



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLR:LDM/BDM:KKO
F. #2015V01814

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 27, 2015

BY HAND DELIVERY AND ECF

The Clerk of Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Approximately 50,000 Shares of Series B Preferred Stock
of Probalance, Inc. Reflected by Stock Certificate No. 5 Issued by
Probalance, Inc. on or about January 15, 2014, And All Proceeds
Traceable Thereto,*
Civil Action No. 15-4371 (Gleeson, J.) (Pohorelsky, M.J.)

To the Clerk of Court:

Pursuant to Local Rule 50.3.1, the government hereby applies for a judicial determination that the above-captioned case is related to *United States v. The Proprietary Lease for and any Other Interest Held by Doris Henriette Yembe in the Real Property and Premises Located at 2840 South Ocean Boulevard, Apartment No. 209 And Parking Space No. 166, Palm Beach, Florida 33480, 14-CV-2693 (Dearie, J.) (Reyes, M.J.)* ("2840 S. Ocean Blvd.").

Pursuant to Local Rule 50.3.1(a):

A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge.

Here, the standard of Local Rule 50.3.1 is met because both civil forfeiture actions arise out of the same alleged fraudulent scheme. Specifically, both complaints in rem allege that Doris Henriette Yembe engaged in an advance fee fraud scheme. Further, both complaints allege that as part of this scheme, Yembe fraudulently obtained over \$1 million

from a particular person (“Victim #1”). Finally, both complaints allege that the fraudulently obtained funds were used to purchase the asset that is named as the Defendant in rem in each action: a coop apartment in 2840 S. Ocean Blvd. and stock in the above-captioned action.

As the above-captioned case is thus related to 2840 S. Ocean Blvd. under the standard set forth in Local Rule 50.3.1(a), the government respectfully submits that reassignment would be appropriate, as it would likely result in a significant saving of judicial resources.

Thank you for your consideration of this request.

Respectfully submitted,

KELLY T. CURRIE
Acting United States Attorney

By: /s/
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Cc: Hon. Raymond J. Dearie (by ECF)
Hon. John Gleeson (by ECF)